

PATENT COOPERATION TREATY

From the

INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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FILED

PCT

WRITTEN OPINION

(PCT Rule 66)

Date of Mailing
(day/month/year)

17 DEC 2004

REPLY DUE

within 2 months/days from
the above date of mailing

Applicant's or agent's file reference

460.2174WOU

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US03/19420

20 June 2003 (20.06.2003)

21 June 2002 (21.06.2002)

International Patent Classification (IPC) or both national classification and IPC

IPC(T): A61F 13/20 and US Cl.: 604/14,15

Applicant

PLAYTEX PRODUCTS, INC.

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

- When?** See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(4).
- How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.
- Also** For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 21 October 2004 (21.10.2004).

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WRITTEN OPINION

Pat:
International application No.
PCT/US03/19420

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-73</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-73</u>	NO
Industrial Applicability (IA)	Claims <u>1-73</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-73 lack novelty under PCT Article 33(2) as being anticipated by Cole et al. (6,019,743). ✓

Cole discloses a tampon applicator, as shown in figure 3, comprising a barrel 14 having a tapered insertion end 18 with a plurality of petals 24. The insertion end has a taper ratio of about 1.5, as measured from figure 3. The petals 24 have a substantially uniform thickness of between 0.004 inches and about 0.022 inches, as disclosed in column 4, line 32. The barrel taper ratio of the applicator is about 1.6, as measured from figure 3. The barrel 14 comprises a finger grip 26 disposed around the barrel in the form of a rectangular, depressed groove. The diameter of the barrel 14 is between 0.215 and 0.63 inches, as disclosed in column 4, lines 31-32. The petals 24 have a weakened base region, shown as non-numbered lines in figure 9. The barrel 14 is formed from plastic or cardboard, as disclosed in column 3, lines 58-65, and may be coated by silicone, as disclosed in column 4, line 24.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.